

## 2001 DRAFTING REQUEST

### Bill

Received: 05/01/2001

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Joanne Huelsman (608) 266-2635

By/Representing: Scott Manley

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Addl. Drafters: shoveme

Subject: Counties - miscellaneous  
Munis - miscellaneous

Extra Copies: TNF - 1

Submit via email: NO

Requester's email:

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### Pre Topic:

No specific pre topic given

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### Topic:

Open meetings exceptions for certain public works meetings

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### Instructions:

See Attached.

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kuesejt 05/01/2001			_____ _____			
/P2	shoveme 05/11/2001	gilfokm 05/25/2001	pgreensl 05/25/2001	_____ _____	lrb_docadmin 05/25/2001		Local
/1	shoveme 05/29/2001	gilfokm 05/29/2001	jfrantze 05/30/2001	_____ _____	lrb_docadmin 05/30/2001	lrb_docadmin 06/14/2001	Local

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

At intro.

<END>

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1	kuesejt						
	05/01/2001						
	shoveme	gilfokm	pgreensl		lrb_docadmin		Local
	05/11/2001	05/25/2001	05/25/2001		05/25/2001		
	shoveme	gilfokm	jfrantze		lrb_docadmin		Local
	05/29/2001	05/29/2001	05/30/2001		05/30/2001		

05/30/2001 01:10:04 PM

Page 2

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

<END>

05/25/2001 02:25:21 PM

Page 1

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See Attached.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kuesejt 05/01/2001						
/P2	shoveme 05/11/2001	gilfokm 05/25/2001	pgreensl 05/25/2001		lrb_docadmin 05/25/2001		Local

FE Sent For:

11 MES 5/29/01 5/30/01 RMG  
5/30/01 5/30/01

05/01/2001 08:45:10 AM

Page 1

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May Contact:

Addl. Drafters: **shoveme**Subject: **Counties - miscellaneous  
Munis - miscellaneous**Extra Copies: **TNF - 1**Submit via email: **NO**

Requester's email:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Open meetings exceptions for certain public works meetings

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**Instructions:**

See Attached.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/2	kuesejt	1/25/KMG -01 5/4/01	LC Conn. CH 5-1	CH 5-1	Submit		
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Joanne B. Huelsman  
WISCONSIN STATE SENATOR

Bob,

Here is a copy of the draft that Mark Patronsky has prepared on open meetings laws at the Senator's request.

Both you and Jeff Kuesel should feel free to contact me (or Mark) if you have any questions.

Thank you,

Scott Manley

1     **AN ACT** *to amend* 19.82 (2); and *to create* 19.82 (2) (b), (d) and (f) to (h), 59.58 (7),  
2     60.50 (7), 60.77 (5) (L), 61.34 (6), 62.14 (8) and 62.22 (5) of the statutes; **relating**  
3     **to:** exemptions from the open meetings law for certain gatherings related to highway,  
4     street, <sup>road</sup>alley, or public works projects.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5     **SECTION 1.** 19.82 (2) of the statutes is amended to read:

6     19.82 (2) "Meeting" means the convening of members of a governmental body for the  
7     purpose of exercising the responsibilities, authority, power or duties delegated to or vested in  
8     the body. If one-half or more of the members of a governmental body are present, the meeting  
9     is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power  
10    or duties delegated to or vested in the body. The term does not include any of the following:

11    (a) A social or chance gathering or conference which is not intended to avoid this  
12    subchapter, ~~any~~.

13    (c) A gathering of the members of a town board for the purpose specified in s. 60.50  
14    (6), ~~any~~.

15    (e) A gathering of the commissioners of a town sanitary district for the purpose  
16    specified in s. 60.77 (5) (k) or ~~any~~ (L).

17    (i) A gathering of the members of a drainage board created under s. 88.16, 1991 stats.,  
18    or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

19    **SECTION 2.** 19.82 (2) (b), (d) and (f) to (h) of the statutes are created to read:



1 19.82 (2) (b) A gathering of the members of a subcommittee of a county board for the  
2 purpose specified in s. 59.58 (7).

3 (d) A gathering of members of a town board or its subcommittee for the purposes  
4 specified in s. 60.50 (7).

5 (f) A gathering of the members of a subcommittee of a village board for the purpose  
6 specified in s. 61.34 (6).

7 (g) A gathering of the members of a board of public works or its subcommittee for the  
8 purpose specified in s. 62.14 (8).

9 (h) A gathering of the members of a subcommittee of a city council for the purpose  
10 specified in s. 62.22 (5).

11 SECTION 3. 59.58 (7) of the statutes is created to read:

12 59.58 (7) PLANNING AND DISCUSSION. A subcommittee of the county board with  
13 jurisdiction <sup>over</sup> of highways or public works may gather at the site of a highway, street, or ~~alley~~ <sup>alley</sup>  
14 project or public works project that is under consideration, or has been proposed or approved  
15 by the county board, for the sole purpose of observing the site, collecting information, taking  
16 measurements or discussing the project with affected owners or occupants. The subcommittee  
17 may not take any official action at the site, and the chairperson of the subcommittee, or a  
18 designee, shall submit at the next board meeting a report that describes the gathering.

19 SECTION 4. 60.50 (7) of the statutes is created to read:

20 60.50 (7) PLANNING AND DISCUSSION. Gather at the site of a <sup>road</sup> highway, <sup>alley</sup> street or ~~alley~~  
21 project or public works project that is under consideration, or has been proposed or approved  
22 by the town board, for the sole purpose of observing the site, collecting information, taking  
23 measurements or discussing the project with affected owners or occupants. A subcommittee  
24 of the town board may also gather as provided under this subsection. The board or its

1 subcommittee may not take any official action at the site, and the chairperson of the board or  
2 the subcommittee, or a designee, shall submit at the next board meeting a report that describes  
3 the gathering.

4 SECTION 5. 60.77 (5) (L) of the statutes is created to read:

5 60.77 (5) (L) Gather at the site of a public works project that is under consideration, or  
6 has been proposed or approved by the commission, for the sole purpose of observing the site,  
7 collecting information, taking measurements or discussing the project with affected owners  
8 or occupants. The commission may not take any official action at the site, and the president  
9 of the commission, or a designee, shall submit at the next commission meeting a report that  
10 describes the gathering.

11 SECTION 6. 61.34 (6) of the statutes is created to read:

12 61.34 (6) PLANNING AND DISCUSSION. A subcommittee of the village board with  
13 jurisdiction <sup>over</sup> ~~of~~ highways <sup>and streets</sup> or public works may gather at the site of a highway <sup>or</sup> ~~street~~ or alley  
14 project or public works project that is under consideration, or has been proposed or approved  
15 by the village board, for the sole purpose of observing the site, collecting information, taking  
16 measurements or discussing the project with affected owners or occupants. The subcommittee  
17 may not take any official action at the site, and the chairperson of the subcommittee, or a  
18 designee, shall submit at the next board meeting a report that describes the gathering.

19 SECTION 7. 62.14 (8) of the statutes is created to read:

20 62.14 (8) PLANNING AND DISCUSSION. The board of public works or a subcommittee of  
21 the board may gather at the site of a public works project that is under consideration, or has  
22 been proposed or approved by the board, for the sole purpose of observing the site, collecting  
23 information, taking measurements or discussing the project with affected owners or  
24 occupants. The board or its subcommittee may not take any official action at the site, and the

1 president of the board or the chairperson of the subcommittee, or a designee, shall submit at  
2 the next board meeting a report that describes the gathering.

3 SECTION 8. 62.22 (5) of the statutes is created to read:

4 62.22 (5) PLANNING AND DISCUSSION. A subcommittee of the city council with  
5 jurisdiction <sup>over and streets</sup> of highways may gather at the site of a highway, street or alley project that is under  
6 consideration, or has been proposed or approved by the city council, for the sole purpose of  
7 observing the site, collecting information, taking measurements or discussing the project with  
8 affected owners or occupants. The subcommittee may not take any official action at the site,  
9 and the chairperson of the subcommittee, or a designee, shall submit at the next city council  
10 meeting a report that describes the gathering.

11 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3214/P1 1

JTK:....ch

1+MES

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

INSTRUCTIONS  
/PI

- 1 AN ACT *to amend* 19.82 (2); and *to create* 19.82 (2) (b), (d) and (f) to (h), 59.58  
2 (7), 60.50 (7), 60.77 (5) (L), 61.34 (6), 62.14 (8) and 62.22 (5) of the statutes;  
3 **relating to:** exemptions from the open meetings law for certain gatherings  
4 related to highway, street, <sup>road,</sup> alley, or public works projects.

JWS  
ANALYSIS

***Analysis by the Legislative Reference Bureau***

~~This is a preliminary draft. An analysis will be provided in a later version.~~

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5 **SECTION 1.** 19.82 (2) of the statutes is amended to read:

6 19.82 (2) "Meeting" means the convening of members of a governmental body  
7 for the purpose of exercising the responsibilities, authority, power or duties  
8 delegated to or vested in the body. If one-half or more of the members of a  
9 governmental body are present, the meeting is rebuttably presumed to be for the  
10 purpose of exercising the responsibilities, authority, power or duties delegated to or  
11 vested in the body. The term does not include any of the following:

1        (a) A social or chance gathering or conference which is not intended to avoid  
2 this subchapter, ~~any~~.

3        (c) A gathering of the members of a town board for the purpose specified in s.  
4 60.50 (6), ~~any~~.

5        (e) A gathering of the commissioners of a town sanitary district for the purpose  
6 specified in s. 60.77 (5) (k) or ~~any~~ (L).

7        (i) A gathering of the members of a drainage board created under s. 88.16, 1991  
8 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

9        **SECTION 2.** 19.82 (2) (b), (d) and (f) to (h) of the statutes are created to read:

10        19.82 (2) (b) A gathering of the members of a subcommittee of a county board  
11 for the purpose specified in s. 59.58 (7).

12        (d) A gathering of members of a town board or its subcommittee for the  
13 purposes specified in s. 60.50 (7).

14        (f) A gathering of the members of a subcommittee of a village board for the  
15 purpose specified in s. 61.34 (6).

16        (g) A gathering of the members of a board of public works or its subcommittee  
17 for the purpose specified in s. 62.14 (8).

18        (h) A gathering of the members of a subcommittee of a city council for the  
19 purpose specified in s. 62.22 (5).

20        **SECTION 3.** 59.58 (7) of the statutes is created to read:

21        59.58 (7) **PLANNING AND DISCUSSION.** A subcommittee of the county board with  
22 jurisdiction of <sup>over</sup> highways or public works may gather at the site of a highway, street,  
23 or ~~any~~ <sup>alley</sup> project or public works project that is under consideration, or has been  
24 proposed or approved by the county board, for the sole purpose of observing the site,  
25 collecting information, taking measurements or discussing the project with affected

1 owners or occupants. The subcommittee may not take any official action at the site,  
2 and the chairperson of the subcommittee, or a designee, shall submit at the next  
3 board meeting a report that describes the gathering.

4 **SECTION 4.** 60.50 (7) of the statutes is created to read:

5 60.50 (7) PLANNING AND DISCUSSION. Gather at the site of a highway, <sup>road,</sup> street or  
6 <sup>alley</sup> ~~ally~~ project or public works project that is under consideration, or has been proposed  
7 or approved by the town board, <sup>but with regard to which no construction has begun,</sup> for the sole purpose of observing the site, collecting  
8 information, taking measurements or discussing the project with affected owners or  
9 occupants. A subcommittee of the town board may also gather as provided under this  
10 subsection. The board or its subcommittee may not take any official action at the site,  
11 and the chairperson of the board or the subcommittee, or a designee, shall submit at  
12 the next board meeting a report that describes the gathering.

13 **SECTION 5.** 60.77 (5) (L) of the statutes is created to read:

14 60.77 (5) (L) Gather at the site of a public works project that is under  
15 consideration, or has been proposed or approved by the commission, for the sole  
16 purpose of observing the site, collecting information, taking measurements or  
17 discussing the project with affected owners or occupants. The commission may not  
18 take any official action at the site, and the president of the commission, or a designee,  
19 shall submit at the next commission meeting a report that describes the gathering.

20 **SECTION 6.** 61.34 (6) of the statutes is created to read:

21 61.34 (6) PLANNING AND DISCUSSION. A subcommittee of the village board with  
22 <sup>over</sup> jurisdiction ~~of~~ highways <sup>or streets</sup> or public works may gather at the site of a highway, street  
23 or alley project or public works project that is under consideration, or has been  
24 proposed or approved by the village board, for the sole purpose of observing the site,  
25 collecting information, taking measurements or discussing the project with affected

1 owners or occupants. The subcommittee may not take any official action at the site,  
2 and the chairperson of the subcommittee, or a designee, shall submit at the next  
3 board meeting a report that describes the gathering.

4 **SECTION 7.** 62.14 (8) of the statutes is created to read:

5 62.14 (8) PLANNING AND DISCUSSION. The board of public works or a  
6 subcommittee of the board may gather at the site of a public works project that is  
7 under consideration, or has been proposed or approved by the board, for the sole  
8 purpose of observing the site, collecting information, taking measurements or  
9 discussing the project with affected owners or occupants. The board or its  
10 subcommittee may not take any official action at the site, and the president of the  
11 board or the chairperson of the subcommittee, or a designee, shall submit at the next  
12 board meeting a report that describes the gathering.

13 **SECTION 8.** 62.22 (5) of the statutes is created to read:

14 62.22 (5) PLANNING AND DISCUSSION. A subcommittee of the city council with  
15 jurisdiction <sup>over</sup> of highways <sup>or streets</sup> may gather at the site of a highway, street or alley project  
16 that is under consideration, or has been proposed or approved by the city council, for  
17 the sole purpose of observing the site, collecting information, taking measurements  
18 or discussing the project with affected owners or occupants. The subcommittee may  
19 not take any official action at the site, and the chairperson of the subcommittee, or  
20 a designee, shall submit at the next city council meeting a report that describes the  
21 gathering.

22 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3214/lins  
JTK & MES.....

INSERT ANALYSES

Currently, with certain exceptions, meetings of governmental bodies, which include town boards, town sanitary district commissions and subcommittees of local governing bodies, must be held at places that are reasonably accessible to members of the public and must be preceded by public notice.

This bill provides that these requirements do not apply to a gathering of the members of a town board of supervisors, a town sanitary district commission, or a subcommittee of a county board of supervisors, city council, village board of trustees or town board of supervisors at the site of certain actual or proposed public works projects or highway, road, street or alley projects for the sole purpose of observing the site, collecting information, taking measurements or discussing a project with affected owners or occupants. Under the bill, no such body may take official action at the site, and the chief officer of the board, commission or subcommittee must submit at the next meeting of that body a report that describes the gathering.





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3214/11 P2  
JTK&MES:/:ch  
KMG  
FMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 5/11

D-NOTE

NEP

\*LPS: Proof all amended  
stats. w/ STAT5

- 1 AN ACT *to amend* 19.82 (2); and *to create* 19.82 (2) (b), (d) and (f) to (h), 59.58  
2 (7), 60.50 (7), 60.77 (5) (L), 61.34 (6), 62.14 (8) and 62.22 (5) of the statutes;  
3 **relating to:** exemptions from the open meetings law for certain gatherings  
4 related to highway, street, alley, or public works projects.

***Analysis by the Legislative Reference Bureau***

Currently, with certain exceptions, meetings of governmental bodies, which include town boards, town sanitary district commissions, and subcommittees of local governing bodies, must be held at places that are reasonably accessible to members of the public and must be preceded by public notice. Also under current law, a town board or a town sanitary district commission may gather at the site of a public works project and, in the case of a town board, at the site of a highway, street, or alley project, that has been approved by the board or commission for the sole purpose of inspecting the work that has been completed or that is in progress. Before doing so, however, the chairperson of the board or commission, or a designee, must notify by telephone or fax those news media who have filed a written request for notice of such inspection in relation to the project. The chairperson or designee is also required to submit a report at the board's or commission's next meeting which describes the inspection, and the board or commission may not take any official action at the site.

This bill provides that ~~these~~ open meetings and public notice requirements do not apply to a gathering of the members of a town board of supervisors, a town sanitary district commission, or a subcommittee of a county board of supervisors, city council, village board of trustees, or town board of supervisors at the site of certain

the  
current  
law

actual or proposed public works projects or highway, street, or alley projects, with regard to which no construction has begun, for the sole purpose of observing the site, collecting information, taking measurements, or discussing a project with affected owners or occupants if, before gathering at the site, the presiding officer of the governing body or such person's designee notifies by telephone or fax transmission those news media who have filed a written request for notice of such inspections in relation to that project. Under the bill, no such body may take official action at the site, and the chief officer of the board, commission, or subcommittee, or the designee, must submit at the next meeting of that body a report that describes the gathering.

FE-L

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

renumbered 19.82(2)(intro.) and

SECTION 1. 19.82 (2) of the statutes is amended to read:

19.82 (2) "Meeting" means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any of the following:

(a) A social or chance gathering or conference which is not intended to avoid this subchapter, any.

(c) A gathering of the members of a town board for the purpose specified in s. 60.50 (6), any.

(e) A gathering of the commissioners of a town sanitary district for the purpose specified in s. 60.77 (5) (k) or any (L).

(i) A gathering of the members of a drainage board created under s. 88.16, 1991 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

SECTION 2. 19.82 (2) (b), (d) and (f) to (h) of the statutes are created to read:

Fix component

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1 19.82 (2) (b) A gathering of the members of a subcommittee of a county board  
2 for the purpose specified in s. 59.58 (7). ✓

3 (d) A gathering of <sup>the</sup> members of a town board or its subcommittee for the  
4 purposes specified in s. 60.50 (7).

5 (f) A gathering of the members of a subcommittee of a village board for the  
6 purpose specified in s. 61.34 (6). ✓

7 (g) A gathering of the members of a board of public works or its subcommittee  
8 for the purpose specified in s. 62.14 ~~14~~ (6)(am) ✓

9 (h) A gathering of the members of a subcommittee of a city council for the  
10 purpose specified in s. ~~62.12/14~~ 62.14 (6)(am) ✓

11 SECTION 3. 59.58 (7) of the statutes is created to read:

12 59.58 (7) PLANNING AND DISCUSSION. A subcommittee of the ~~county~~ <sup>stat</sup> board with  
13 jurisdiction over highways or public works may gather at the site of a highway, street,  
14 or alley project or public works project that is under consideration, or has been  
15 proposed or approved by the ~~county~~ board, but with regard to which no construction  
16 has begun, for the sole purpose of observing the site, collecting information, taking  
17 measurements, or discussing the project with affected owners or occupants if, before  
18 gathering at the site, the chairperson of the board or the chairperson's designee  
19 notifies by telephone or facsimile transmission those news media who have filed a  
20 written request for notice of such inspections in relation to that project. The  
21 subcommittee may not take any official action at the site, and the chairperson of the  
22 subcommittee, or a designee, shall submit at the next board meeting a report that  
23 describes the gathering. ✓

24 SECTION 4. 60.50 (7) of the statutes is created to read:

1           60.50 (7) PLANNING AND DISCUSSION. Gather at the site of a highway, street, or  
2 alley project or public works project that is under consideration, or has been proposed  
3 or approved<sup>(2)</sup> by the town board, but with regard to which no construction has begun,  
4 for the sole purpose of observing the site, collecting information, taking  
5 measurements<sup>✓</sup>, or discussing the project with affected owners or occupants if, before  
6 gathering at the site, the chairperson of the<sup>town</sup> board or the chairperson's designee  
7 notifies by telephone or facsimile transmission those news media who have filed a  
8 written request for notice of such inspections in relation to that project. A  
9 subcommittee of the town board may also gather as provided under this subsection.  
10 The<sup>town</sup> board or its subcommittee may not take any official action at the site, and the  
11 chairperson of the<sup>town</sup> board or the subcommittee, or a designee, shall submit at the next  
12<sup>town</sup> board meeting a report that describes the gathering.

13           SECTION 5. 60.77 (5) (L) of the statutes is created to read:

14           60.77 (5) (L) Gather at the site of a public works project that is under  
15 consideration, or has been proposed or approved<sup>(2)</sup> by the commission, for the sole  
16 purpose of observing the site, collecting information, taking measurements<sup>✓</sup>, or  
17 discussing the project with affected owners or occupants if, before gathering at the  
18 site, the president of the commission or the president's designee notifies by telephone  
19 or facsimile transmission those news media who have filed a written request for  
20 notice of such inspections in relation to that project. The commission may not take  
21 any official action at the site, and the president of the commission, or a designee,  
22 shall submit at the next commission meeting a report that describes the gathering.

23           SECTION 6. 61.34 (6) of the statutes is created to read:

24           61.34 (6) PLANNING AND DISCUSSION. A subcommittee of the village board with  
25 jurisdiction over highways, streets, or public works may gather at the site of a

1 highway, street, or alley project or public works project that is under consideration,  
2 or has been proposed or approved, by the village board, but with regard to which no  
3 construction has begun, for the sole purpose of observing the site, collecting  
4 information, taking measurements, or discussing the project with affected owners or  
5 occupants if, before gathering at the site, the chairperson of the subcommittee or the  
6 chairperson's designee notifies by telephone or facsimile transmission those news  
7 media who have filed a written request for notice of such inspections in relation to  
8 that project. The subcommittee may not take any official action at the site, and the  
9 chairperson of the subcommittee, or a designee, shall submit at the next board  
10 meeting a report that describes the gathering.

11 SECTION 7. 62.14 (6) (am) of the statutes is created to read:

12 62.14 (6) (am) *Planning and discussion.* The board, a subcommittee of the  
13 board, the council, or a subcommittee of the council may gather at the site of a  
14 highway, street, or alley project or public works project that is under consideration,  
15 or has been proposed or approved, by the board, but with regard to which no  
16 construction has begun, for the sole purpose of observing the site, collecting  
17 information, taking measurements, or discussing the project with affected owners or  
18 occupants if, before gathering at the site, the president of the board or council or the  
19 chairperson of the subcommittee, or a designee, notifies by telephone or facsimile  
20 transmission those news media who have filed a written request for notice of such  
21 inspections in relation to that project. The board or its subcommittee may not take  
22 any official action at the site, and the president of the board or council or the  
23 chairperson of the subcommittee, or a designee, shall submit at the next board or  
24 council meeting a report that describes the gathering.

25 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3214/Pdn  
JTK&MES:ch

kmg

Senator Huelsman:

I have made a number of changes in this bill from the version contained in WLC 0115/1 to avoid confusion with current law and to make the provisions contained in the bill consistent with current law.

Current law, with regard to town boards and town sanitary district commissions, allows gatherings at public works projects or highway, street, or alley projects to inspect work that has been completed or that is in progress if the chairperson of the board or commission, or a designee, notifies by telephone or fax those news media who have filed a written request for notice of such inspection in relation to the project. The chairperson or designee is also required to submit a report at the board's or commission's next meeting which describes the inspection, and the board or commission may not take any official action at the site.

In the bill, in the areas dealing with projects that are under consideration or that have been proposed or approved by the governing bodies, I added the phrase, "but with regard to which no construction has begun," to avoid an overlap, and confusion, with ss. 60.50 (6) and 60.77 (5) (k) because those statutes already deal with inspections of public works projects with regard to which work has been completed or that is in progress.

I also added in the statutes that are created in this bill the same advance news media notification requirements that exist under current law to keep these created statutes consistent with ~~the~~ similar provisions that are in current law. I don't know, as a practical matter, how many news media have requested advance notification under ss. 60.50 (6) and 60.77 (5) (k) in the 5 years during which these statutes have been in effect, but you may wish to contact the Wisconsin Towns Association to see what the effect of these statutes has been.

Finally, I combined in created s. 62.14 (6) (am) the provisions of ss. 62.14 (8) and 62.22 (5) from WLC 0115/1

Marc E. Shovers  
Senior Legislative Attorney  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3214/P2dn  
MES:kmg:pg

May 25, 2001

Senator Huelsman:

I have made a number of changes in this bill from the version contained in WLC 0115/1 to avoid confusion with current law and to make the provisions contained in the bill consistent with current law.

Current law, with regard to town boards and town sanitary district commissions, allows gatherings at public works projects or highway, street, or alley projects to inspect work that has been completed or that is in progress if the chairperson of the board or commission, or a designee, notifies by telephone or fax those news media who have filed a written request for notice of such an inspection in relation to the project. The chairperson or designee is also required to submit a report at the board's or commission's next meeting which describes the inspection, and the board or commission may not take any official action at the site.

In the bill, in the areas dealing with projects that are under consideration or that have been proposed or approved by the governing bodies, I added the phrase "but with regard to which no construction has begun," to avoid an overlap, and confusion, with ss. 60.50 (6) and 60.77 (5) (k) because those statutes already deal with inspections of public works projects with regard to which work has been completed or that is in progress.

I also added in the statutes that are created in this bill the same advance news media notification requirements that exist under current law to keep these created statutes consistent with similar provisions that are in current law. I don't know, as a practical matter, how many news media have requested advance notification under ss. 60.50 (6) and 60.77 (5) (k) in the 5 years during which these statutes have been in effect, but you may wish to contact the Wisconsin Towns Association to see what the effect of these statutes has been.

Finally, I combined in created s. 62.14 (6) (am) the provisions of ss. 62.14 (8) and 62.22 (5) from WLC 0115/1

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State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3214/02  
JTK&MES:kmg:pg1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

repen

1 AN ACT *to renumber and amend* 19.82 (2); and *to create* 19.82 (2) (b), (d) and  
2 (f) to (h), 59.58 (7), 60.50 (7), 60.77 (5) (L), 61.34 (6) and 62.14 (6) (am) of the  
3 statutes; **relating to:** exemptions from the open meetings law for certain  
4 gatherings related to highway, street, alley, or public works projects.

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***Analysis by the Legislative Reference Bureau***

Currently, with certain exceptions, meetings of governmental bodies, which include town boards, town sanitary district commissions, and subcommittees of local governing bodies, must be held at places that are reasonably accessible to members of the public and must be preceded by public notice. Also under current law, a town board or a town sanitary district commission may gather at the site of a public works project and, in the case of a town board, at the site of a highway, street, or alley project, that has been approved by the board or commission for the sole purpose of inspecting the work that has been completed or that is in progress. Before doing so, however, the chairperson of the board or commission, or a designee, must notify by telephone or fax those news media who have filed a written request for notice of such an inspection in relation to the project. The chairperson or designee is also required to submit a report at the board's or commission's next meeting which describes the inspection, and the board or commission may not take any official action at the site.

This bill provides that the current law open meetings and public notice requirements do not apply to a gathering of the members of a town board of supervisors, a town sanitary district commission, or a subcommittee of a county board of supervisors, city council, village board of trustees, or town board of



supervisors at the site of certain actual or proposed public works projects or highway, street, or alley projects, with regard to which no construction has begun, for the sole purpose of observing the site, collecting information, taking measurements, or discussing a project with affected owners or occupants ~~if, before gathering at the site, the presiding officer of the governing body or such person's designee notifies by telephone or fax transmission those news media who have filed a written request for notice of such inspections in relation to that project.~~ Under the bill, no such body may take official action at the site, and the chief officer of the board, commission, or subcommittee, or the designee, must submit at the next meeting of that body a report that describes the gathering.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 19.82 (2) of the statutes is renumbered 19.82 (2) (intro.) and  
2 amended to read:

3           19.82 (2) (intro.) "Meeting" means the convening of members of a governmental  
4 body for the purpose of exercising the responsibilities, authority, power or duties  
5 delegated to or vested in the body. If one-half or more of the members of a  
6 governmental body are present, the meeting is rebuttably presumed to be for the  
7 purpose of exercising the responsibilities, authority, power or duties delegated to or  
8 vested in the body. The term does not include any of the following:

9           (a) A social or chance gathering or conference which is not intended to avoid  
10 this subchapter, any.

11           (c) A gathering of the members of a town board for the purpose specified in s.  
12 60.50 (6), any.

13           (e) A gathering of the commissioners of a town sanitary district for the purpose  
14 specified in s. 60.77 (5) (k) or any (L).

1           (i) A gathering of the members of a drainage board created under s. 88.16, 1991  
2 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

3           **SECTION 2.** 19.82 (2) (b), (d) and (f) to (h) of the statutes are created to read:

4           19.82 (2) (b) A gathering of the members of a subcommittee of a county board  
5 for the purpose specified in s. 59.58 (7).

6           (d) A gathering of the members of a town board or its subcommittee for the  
7 purposes specified in s. 60.50 (7).

8           (f) A gathering of the members of a subcommittee of a village board for the  
9 purpose specified in s. 61.34 (6).

10          (g) A gathering of the members of a board of public works or its subcommittee  
11 for the purpose specified in s. 62.14 (6) (am).

12          (h) A gathering of the members of a subcommittee of a city council for the  
13 purpose specified in s. 62.14 (6) (am).

14          **SECTION 3.** 59.58 (7) of the statutes is created to read:

15          59.58 (7) PLANNING AND DISCUSSION. A subcommittee of the board with  
16 jurisdiction over highways or public works may gather at the site of a highway, street,  
17 or alley project or public works project that is under consideration, or has been  
18 proposed or approved, by the board, but with regard to which no construction has  
19 begun, for the sole purpose of observing the site, collecting information, taking  
20 measurements, or discussing the project with affected owners or occupants if, before

21 ~~gathering at the site, the chairperson of the board or the chairperson's designee~~  
22 ~~notifies by telephone or facsimile transmission those news media who have filed a~~  
23 ~~written request for notice of such inspections in relation to that project.~~ The

24 subcommittee may not take any official action at the site, and the chairperson of the

1 subcommittee, or a designee, shall submit at the next board meeting a report that  
2 describes the gathering.

3 **SECTION 4.** 60.50 (7) of the statutes is created to read:

4 60.50 (7) PLANNING AND DISCUSSION. Gather at the site of a highway, street, or  
5 alley project or public works project that is under consideration, or has been proposed  
6 or approved, by the town board, but with regard to which no construction has begun,  
7 for the sole purpose of observing the site, collecting information, taking  
8 measurements, or discussing the project with affected owners or occupants ~~if, before~~  
9 ~~gathering at the site, the chairperson of the town board or the chairperson's designee~~  
10 ~~notifies by telephone or facsimile transmission those news media who have filed a~~  
11 ~~written request for notice of such inspections in relation to that project.~~ A

12 subcommittee of the town board may also gather as provided under this subsection.

13 The town board or its subcommittee may not take any official action at the site, and  
14 the chairperson of the town board or the subcommittee, or a designee, shall submit  
15 at the next town board meeting a report that describes the gathering.

→ but with regard to  
which no construction  
has begun

16 **SECTION 5.** 60.77 (5) (L) of the statutes is created to read:

17 60.77 (5) (L) Gather at the site of a public works project that is under  
18 consideration, or has been proposed or approved, by the commission, for the sole  
19 purpose of observing the site, collecting information, taking measurements, or  
20 discussing the project with affected owners or occupants ~~if, before gathering at the~~  
21 ~~site, the president of the commission or the president's designee notifies by telephone~~  
22 ~~or facsimile transmission those news media who have filed a written request for~~  
23 ~~notice of such inspections in relation to that project.~~ The commission may not take

24 any official action at the site, and the president of the commission, or a designee,  
25 shall submit at the next commission meeting a report that describes the gathering.

1           **SECTION 6.** 61.34 (6) of the statutes is created to read:

2           61.34 (6) **PLANNING AND DISCUSSION.** A subcommittee of the village board with  
3 jurisdiction over highways, streets, or public works may gather at the site of a  
4 highway, street, or alley project or public works project that is under consideration,  
5 or has been proposed or approved, by the village board, but with regard to which no  
6 construction has begun, for the sole purpose of observing the site, collecting  
7 information, taking measurements, or discussing the project with affected owners or  
8 occupants ~~if, before gathering at the site, the chairperson of the subcommittee or the~~  
9 ~~chairperson's designee notifies by telephone or facsimile transmission those news~~  
10 ~~media who have filed a written request for notice of such inspections in relation to~~  
11 ~~that project.~~ The subcommittee may not take any official action at the site, and the  
12 chairperson of the subcommittee, or a designee, shall submit at the next board  
13 meeting a report that describes the gathering.

14           **SECTION 7.** 62.14 (6) (am) of the statutes is created to read:

15           62.14 (6) (am) *Planning and discussion.* The board, a subcommittee of the  
16 board, the council, or a subcommittee of the council may gather at the site of a  
17 highway, street, or alley project or public works project that is under consideration,  
18 or has been proposed or approved, by the board, but with regard to which no  
19 construction has begun, for the sole purpose of observing the site, collecting  
20 information, taking measurements, or discussing the project with affected owners or  
21 occupants ~~if, before gathering at the site, the president of the board or council or the~~  
22 ~~chairperson of the subcommittee, or a designee, notifies by telephone or facsimile~~  
23 ~~transmission those news media who have filed a written request for notice of such~~  
24 ~~inspections in relation to that project.~~ The board or its subcommittee may not take  
25 any official action at the site, and the president of the board or council or the

1 chairperson of the subcommittee, or a designee, shall submit at the next board or  
2 council meeting a report that describes the gathering.

3 (END)



STEPHEN R. MILLER  
CHIEF

# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

May 30, 2001

### MEMORANDUM

To: Senator Huelsman

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-3214/1 Open meetings exceptions for certain public works meetings

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_ JACKET FOR ASSEMBLY ☒ JACKET FOR SENATE 

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

**Emery, Lynn**

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**From:** Emery, Lynn

**Sent:** Friday, June 15, 2001 10:43 AM

**To:** Manley, Scott

**Subject:** LRB-3214 (attached as requested)

6/15/2001